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3 Nevada State Bar No. 11479  
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\*Attorney for Petitioner Davon Lyons

11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF NEVADA

13 Davon Lyons,

14 Petitioner,

15 v.

16 Warden Brian Williams, et al.,

17 Respondents.

Case No. 2:19-cv-00966-APG-NJK

**Unopposed motion for extension of  
time to file opposition to motion to  
dismiss**

**(Second Request)**

1 The Federal Public Defender was appointed to represent Mr. Lyons on June  
2 11, 2019. (ECF No. 4.) On that same day, the Federal Public Defender filed an  
3 amended petition. (ECF No. 6.) This Court thereafter granted Mr. Lyons's request to  
4 file a second amended petition. (ECF No. 11.) The Second Amended Petition was filed  
5 on June 8, 2020. (ECF No. 22.) Respondents filed a Motion to Dismiss on February 2,  
6 2021. (ECF No. 37.)

7 Petitioner's Response in Opposition to the Motion to Dismiss is currently due  
8 April 19, 2021. Mr. Lyons now requests an additional 62 days, up to and including  
9 Monday, June 21, 2021, to file the Opposition. This is the second request for an  
10 extension of time. Respondents, by Deputy Attorney General Jaimie Stilz, do not  
11 object to this request, though their non-objection does not constitute a waiver of any  
12 procedural defenses Respondents raised in response to the Second Amended Petition.

13 The additional period of time is necessary in order to effectively represent  
14 Mr. Lyons. This motion is filed in the interests of justice and not for the purposes of  
15 unnecessary delay.

16 Counsel respectfully suggests additional time remains necessary to properly  
17 prepare the Opposition. Undersigned counsel returned from maternity leave on  
18 March 15, 2021. Since her return, counsel has been diligently working on getting up  
19 to speed on her cases, including Mr. Lyons's. In addition to work on Mr. Lyons's case,  
20 in the next few weeks, counsel has deadlines for two reply briefs in the Ninth Circuit,  
21 an amended habeas petition, and an opening brief in the Nevada Supreme Court.

22 Petitioner respectfully requests this Court grant the request for an extension  
23 of time of 62 days and order the Response in Opposition to the Motion to Dismiss be  
24 filed on or before June 21, 2021.  
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1 Dated April 19, 2021.

2 Respectfully submitted,

3 Rene L. Valladares  
4 Federal Public Defender

5 /s/ Emma L. Smith  
6 Emma L. Smith  
7 Assistant Federal Public Defender  
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10 IT IS SO ORDERED:  
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13 \_\_\_\_\_  
14 United States District Judge

15 Dated: April 19, 2021  
16 2:19-cv-00966-APG-NJK  
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